

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

ON ASSIGNMENT: AMANDA'S JURY SERVICE

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(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. I’m here today with WESH 2 News reporter Amanda Dukes. Amanda has been reporting for WESH since 1997, covering some of our areas biggest stories. The 1998 Florida wildfires, the space shuttle Columbia tragedy and at home for us, the Casey Anthony trial. One of her latest assignments was back here at the Orange County Courthouse not as a reporter though, this time as a juror. And so she’s here today with me to share her experiences. Thanks for joining me, Amanda. It’s great to have you here.

MS. DUKES: Thank you so much, Judge Myers. This is exciting to be on the other side of the interview for a change and I’m looking forward to our conversation.

CHIEF JUDGE MYERS: Well, great, me as well. You know, just to catch our listeners up a little bit, tell us a little bit about your background, what you do currently and maybe your life as a reporter.

MS. DUKES: Sure. Well, I knew that I wanted to be a television news reporter in the 4<sup>th</sup> grade. I announced it to my family at dinner so it was truly a calling. And studied broadcast journalism in college. I graduated from Troy University in Troy, Alabama. Spent the first year of my career working in radio news back in my home state of New Hampshire. And that actually was a great training ground because it gave me a year or two to learn sort of how to write for the ear and how to be a reporter before I had to worry about being on camera. And then

after, a little over a year in radio news I got my first shot at working in television at an ABC affiliate in Manchester, New Hampshire. I was there for about eight years and then I decided to see if I could make it in a larger market because in TV news you kind of move around the country to advance. And Orlando was where I landed and I have now been at WESH TV, gosh, I started in '97 so well over two decades. And I am what they call a general assignment reporter which means I literally cover every and any topic. Every day that I go in to work is different and unique. I typically don't know what my story assignment will be until about 10 a.m. and then once I'm assigned my story, I have, you know, a four or five hour window to do the research, do the interviews and by three or four o'clock in the afternoon I need to be getting ready for the evening news broadcast.

CHIEF JUDGE MYERS: Wow that sounds a little stressful to me.

MS. DUKES: It can be. It can be.

CHIEF JUDGE MYERS: As a lawyer and as a judge, you know, we spend hours and hours preparing for a single issue, but typically have the luxury of time and the ability to do that research over a couple of days or weeks, and to be thoughtful and get lots of different opinions, and to pack all of that into a day for an evening news story just sounds stressful. You've got still a little bit of that Alabama accent.

MS. DUKES: Oh.

CHIEF JUDGE MYERS: Are you from the South originally?

MS. DUKES: No, I grew up in New England, in Massachusetts and New Hampshire and when I arrived at college I had a New England accent, but I've spent – at this point, I've spent more of my life in the South.

CHIEF JUDGE MYERS: So you've had the opportunity to cover some pretty big stories over the course of your career and there have been a lot of memorable things that have happened here in Central Florida. Were those just your assignments of the day or, you know, the wildfires, the space shuttle which was such a – gosh, such a tremendous impact on our community and then of course, the Casey Anthony trial, and others. I mean, in your bio, just a whole laundry list of some really significant occurrences here in the neighborhood. Was that – was that just the assignment of the day?

MS. DUKES: Pretty much. With big stories like that, typically more than one reporter is going to be assigned to cover it because we'll cover multiple angles so in each of those situations, I was part of a team of reporters at WESH that covered those stories. But yeah, those are probably three of the most memorable, the wildfires, the Space Shuttle Columbia tragedy and then also the Casey Anthony trial. I would say out of all of them, the Casey Anthony trial was the most grueling. My assignment was to be what we would call the field anchor meaning I was the one in a makeshift studio outside the courthouse. We were in that, if you're facing the courthouse, that vacant lot to the right, we had set up this makeshift studio. And whenever there was a break in the courtroom, because we were doing live coverage on Channel 2, when there was a break in the courtroom, I would jump in and I had two legal experts, and we would just sort of do analysis and reaction to what we had just, you know, witnessed taking place in the courtroom. But those were long days. My life was just that trial for almost a month. I mean, starting at 7:30 in the morning, ending at 8:30 at night.

CHIEF JUDGE MYERS: We felt the same here inside the courthouse too. Those were long days. Remember it well. So we've turned the tables on you. You had the chance to report

from the outside of the courthouse and then you got your invitation or summons to be a juror here with us in the courthouse. Was that your first time having received a jury summons?

MS. DUKES: No. I think in – that is, I can't remember if it's my second or third, so it's my second or third time getting a juror summons. And then it was my second time making it up to the courtroom.

CHIEF JUDGE MYERS: Wow.

MS. DUKES: Still haven't served on a panel and would love to.

CHIEF JUDGE MYERS: We get a lot of folks who get the summons and never get called to the courthouse. We have folks who get the summons and get called to be downstairs in our jury assembly room. And then just a few who make it up into a courtroom to potentially sit on a trial jury. So it's interesting that you've done that twice now but not had that opportunity. That can come. Have you – when you got here, but just out of curiosity, anybody recognize you or did you see folks that you knew?

MS. DUKES: You know, I did not. And part of that may be when we were coming into the courthouse regularly, you would get to know some of the deputies downstairs. They would recognize you. But gosh, we've all been kind of kept out of the courthouse for a long time because of the pandemic so, no, I didn't have that experience.

CHIEF JUDGE MYERS: Well, and of course, you came in with a mask too so you weren't as easily recognizable as before.

MS. DUKES: True.

CHIEF JUDGE MYERS: So when you got the summons, I'm just curious, what were your thoughts? How did you feel about this idea of coming down to jury service in the midst of a pandemic?

MS. DUKES: You know, I felt excited. I did not have concerns in regards to the pandemic in part because you know, at this point the vaccines rolled out. I was very confident that you folks would have all kinds of excellent safety precautions in place. I wasn't worried about that. And there's a part of me that really would love to experience serving on a jury because I think it would enhance my reporting to have that understanding, that first-hand experience.

CHIEF JUDGE MYERS: Oh, to be able to see it from the inside. I always felt the same as a trial lawyer. Before I became a judge, I tried cases in the courthouse but never got called to serve on a jury and never had the chance to be in that back room and to experience that deliberation process. So I absolutely can connect with that. Let's walk through that experience. You received your summons and there was an opportunity to complete an online questionnaire before you came to the courthouse. Did you do that or did you wait until you got to the courthouse to complete that?

MS. DUKES: No, I completed that ahead of time and actually, I did need to request a date change because my summons was originally for a day that I was going to be out of town and on an airplane flying back. And the process to change the date was very simple and my communication with your folks was excellent. They were – after I sent my email, I got a response the next morning.

CHIEF JUDGE MYERS: Excellent. All right, so they were able to accommodate your move of dates.

MS. DUKES: Yeah.

CHIEF JUDGE MYERS: And when you got your new date, did you call in ahead of time to confirm that you were going to be selected or need to come into the courthouse the next day?

MS. DUKES: You know, that was interesting. When the new date was confirmed, I was instructed – I was told I wouldn't need to call in, that I just needed to automatically show up. So is that something you do when someone changes a date?

CHIEF JUDGE MYERS: We do sometimes, and it kind of just depends on the need. We're very sensitive to ensuring that we bring in just as many folks as we could possibly need that day and not a lot of extras. We don't want to inconvenience the citizens of Orange and Osceola Counties by calling them down unnecessarily. So that's how we regulate the flow of folks that actually have to take time off from work and come down to serve in a jury pool. So you arrive at the courthouse. Tell us about that experience. I mean, it's not like it was before.

MS. DUKES: No. Yes, so as I approach the front of the courthouse, you know, right away your temperature is taken and you're asked a series of questions in regards to the pandemic. Have you, you know, been exposed to anyone. All the questions we typically get asked. Do you have a fever? And once I passed that test, so to speak, I went through security. And actually I do have a little tip for, I think primarily to the ladies. I had left my makeup bag in my purse. And there were some tweezers in it that I completely forgot were in there and, of course, you can't bring those – it was good – it was all good. They handled it so graciously. And I did have to go back to my car, leave my makeup bag in the car, and then go through

security again. But everybody was so kind about it. And if anybody should have known not to bring that into the courthouse, it should have been me.

CHIEF JUDGE MYERS: So, yeah, we have that long laundry list of things that folks can't bring through security for the safety, not just of the judges and the participants in cases, but also for members of the public who are coming in. We want to ensure this is not only a safe environment as it relates to the pandemic, but also as it relates to security issues. So I appreciate our staff being conscientious about that. When you came in, were you wearing a mask?

MS. DUKES: Yes.

CHIEF JUDGE MYERS: Okay. And obviously that's required for folks who are coming for whatever purpose they come in to the courthouse, we require that everybody be masked. And you direct – you were directed over to the jury assembly room. Tell us about check in.

MS. DUKES: You know, by the time I got in, there was no line. I immediately went to the counter to check in and it was – it was simple and easy. And then I found a nice place to sort of set up camp in the, I don't know if you call it the computer room, but one of the nice little features in there was, you have this sort of high top table that has chargers for any kind of phone or device. So I had brought my laptop and just things I needed to work on and it was great.

CHIEF JUDGE MYERS: Good. And I know that our jury assembly staff does an orientation with jurors. They tell them a little bit about what to expect for the day. How was that? I think it's usually Sonja that does that for us. Colorful and entertaining I hope.

MS. DUKES: It was great. It was very well put together. I think it answered any questions anyone might have. And I think the – one of my takeaways that two or three times

now that I've been in the jury assembly room is that they go out of their way to express their appreciation. And to reinforce that this is kind of a special honor to get to do your civic duty in this way. They just set a nice mood for the day.

CHIEF JUDGE MYERS: Yeah, well, we are deeply grateful for our citizens coming in to help us with jury service. I know when I have the chance to try a case as a judge, I always want to express to our jurors that there are different ways that we get to actively participate in our democracy. We all think about voting. That's an important way. There are those of us who are called to military service and who perform a duty to our country in that way. But jury service is one of those where you are hands on active in the process and really carrying out a constitutional function where you're preserving that right to trial by jury by one's peers in both civil and criminal cases. And it's a big deal to ask folks to give up time from family and from work, and from other things that are just a part of life to come down here and to help us to resolve cases. But the truth is, we can't resolve them without jurors and so we are deeply grateful and I'm glad that came across. Ultimately, you were called for a panel. You were called to go up with a group up to a jury room. Tell us about that.

MS. DUKES: Well, that also was just so well organized and handled beautifully. We got upstairs and some deputies lined us up the way we needed to be lined up to enter the courtroom. And we were given little paddles with a number on them that we would use during that process in the courtroom that we could hold up when we wanted to answer a question. And once we got in the courtroom, I think that was when the most fascinating process started for me. I'm a – I'm a story teller at heart. That's why I'm a journalist so I am fascinated with people's stories, who they are, what they do for a living. And during that process where the state, the prosecution was questioning potential jurors, just hearing peoples' stories, because it comes out.

You know questions are asked about what do you do for a living? What are your life experiences? Oh, English isn't your first language. Tell us about that. I just loved hearing all those stories. And Judge Myers, the other thing that I was telling my husband later that night at dinner that I just loved, was looking around that room and hearing those stories, I was so moved by the diversity in our community. And just how beautiful it was to sit in a courtroom with people from all walks of life. I mean, there were folks in there who have only been in the United States for a few years. There were folks – there was a trial lawyer. There was a court employee. Myself, a news reporter. People of all ethnicities and I loved that. I loved that diversity.

CHIEF JUDGE MYERS: That is so great to hear. I mean, obviously, we are trying to get that true cross section of our community to come in for jury duty because we'd never know who that defendant is and what a jury of that individual's peers look like.

MS. DUKES: Right.

CHIEF JUDGE MYERS: And we hope that we reach that. For those that may not know, we used to select jury pools by voter registration. We now use driver's license and Florida ID databases and so we think we do reach down a little deeper and get a much better cross section of who we are as a community.

MS. DUKES: Yeah, I definitely witnessed that.

CHIEF JUDGE MYERS: That's incredible. That's great. So you're in the courtroom. You've been wearing a mask. Did they provide you with one of our clear masks for the jury selection process?

MS. DUKES: Yes, and that was fascinating to me as well and I can't remember who told us. It may have been one of the deputies, but they said part of the reason that we were given that

clear mask so that you can still see the mouth and the facial expression was during the jury selection process, that's important to the attorneys. They want to be able – so much of our communication is our body language, our facial expression, and they want to be able to see your whole face. I thought that was really neat. And frankly, those masks were more comfortable to me than the masks we're all typically wearing.

CHIEF JUDGE MYERS: That's great. Well, I'm glad to hear that. It is such an important part of communication and we take it for granted until we're in these interactions now wearing face masks, and we begin to appreciate just how much we're missing out on in our communication. That broad smile, the frown, the pursed lips, those things that we attribute with different emotions and communication technique so I appreciate that. So as – were you, during the – we call jury selection voir dire. That's a French term. And I'm told, I don't speak French, but I'm told that it means literally to speak the truth. You are under oath, and you're asked questions. And it's important that your responses be truthful so that the lawyers can evaluate and the clients can evaluate the responses. Were you asked questions directly during the voir dire?

MS. DUKES: Yes. And at the very beginning of the process there were three of us out of, and I don't know the exact number who were in the room, I would guess maybe 30. But there were three of us who the judge singled out at the beginning of the process to ask questions. And I was one of them, and her questioning was about my vocation. She said, now, do I understand you're a television news reporter and she asked quite a few questions about my experience, specifically covering the court. And then she ended her questioning of me by saying, the attorneys are going to have a lot to ask you about. So I kind of knew I probably wasn't going to make it on the panel.

CHIEF JUDGE MYERS: How did you feel throughout that process of being asked questions? Was it comfortable, uncomfortable? Were they invasive questions, did you feel, or was it just a good experience?

MS. DUKES: They weren't invasive and I mean, I talk on a pretty broad platform for a living so it was not intimidating to me. Yeah, you feel very comfortable. You feel respected and honored by the attorneys and the judge. You know, and again, even in the courtroom, that appreciation kept being expressed by everyone, by the State, by the Judge, we're so grateful you are here. Yeah, so it was very comfortable.

CHIEF JUDGE MYERS: Well, I know or I'm certain that you were safely socially distanced inside of the courtroom experience, is that right?

MS. DUKES: We were. We were given very specific instructions on where to sit. Everyone was at least six feet apart. So there was no concern about, you know, being uncomfortable in regards to social distancing. We kept those clear masks on, yeah.

CHIEF JUDGE MYERS: Good. Good. And I hope we gave you some hand sanitizer and that you had access to those devices all over the courthouse so that you could always sanitize, if necessary, too.

MS. DUKES: Yes. Yes. Absolutely. Oh, in getting back to your question about was the questioning comfortable? Was it too invasive? One thing I noted that I thought was very nice was when a juror was asked a question that could be a little personal, they were always given the option to answer that later without everyone in the room.

CHIEF JUDGE MYERS: That's good. That's good. You know, it is tough. We try to strike this balance, as judges and the trial lawyers that are going to try the case, to learn enough

about the people that we have as perspective jurors without being too invasive, but at the same time making sure we've addressed those potential biases or strong beliefs or experiences that may impact somebody's ability to serve as a fair and impartial juror. It's really an important part of what we do.

MS. DUKES: Yeah, and the trial that was involved in this situation, it was a violent felony and so there quite a few prospective jurors who have had instances of someone in their family or themselves being a victim of a violent crime. And the judge and the state were very sensitive to say, you know, we'd like to talk to you a little more about that, but would you rather do that with us in private? And I just thought that was great that people are given that opportunity.

CHIEF JUDGE MYERS: Great. So ultimately, you weren't selected to serve as a juror in that case. How does that make you feel?

MS. DUKES: Oh, it was a little disappointment. I would have enjoyed that. I think it would have been a great experience for me to, you know have that perspective as a reporter. I wouldn't say I felt rejected or anything because I kind of knew, the writing was on the wall when right off the bat the judge was asking me about my vocation. And you know it's interesting, I've often wondered if attorneys will automatically rule out someone who is a news reporter, but I have had some colleagues at Channel 2 be chosen to serve on panels. And I remember one of them, a former Channel 2 news anchor said an attorney friend of his told him that often an attorney will look at a news reporter and say, well, they're trained to be objective. They're trained to deal in facts, so depending on the case it could be considered advantageous to have a news reporter on the panel. In this particular case, apparently, they didn't, or there may have been other reasons. I will never know.

CHIEF JUDGE MYERS: It may be that you just weren't in the right seat. If you were too far back for example, you know, sometimes they don't get to those jurors in the selection process and the jury is picked even before we get to somebody. You mentioned there was a trial lawyer on your panel as well. Did that individual get selected, do you know?

MS. DUKES: You know, I don't know because I was among the first group sort of dismissed so I have no idea who – and I think he was still in the pool when I left. Yeah, I don't know. Well, and another line of questioning that did come up, that could have been part of the reason that I wasn't selected was, it sounded like the state had one and only one eyewitness in this case. And so they were asking all of us if we would have any concerns being able to, you know, make a finding based on just the testimony of a single eyewitness. And I raised my paddle, and said, well, because this is an interesting story. One of the most formative stories of my career as a news reporter, it was probably back in the early 2000's. There was a gentleman in Brevard County who had spent 17 years in prison for a violent rape and then was exonerated on the basis of DNA evidence. And he had been convicted solely on pretty credible eyewitness testimony but in the end he was innocent. And I stood outside the Brevard County jail the day that he walked out after losing 17 years of his life, and that made a huge impression on me. So as I sat in the courtroom the other day and was asked, would you feel comfortable making a finding based on the, you know, testimony of a single eyewitness, I couldn't say with confidence that I could. It would depend on the facts of the case. But now that I think of it, that may be the reason that I didn't get chosen.

CHIEF JUDGE MYERS: When you were informed that you hadn't been selected, were you asked to return to the jury room at that point?

MS. DUKES: Yes, just to sort of check out, um-hum.

CHIEF JUDGE MYERS: Okay. And did they give to you or were you offered some sort of a verification of your jury service in the event that your employer needed that?

MS. DUKES: Yes, I was given a letter with a stamp on it confirming my jury service, and my employer does require that so that was good.

CHIEF JUDGE MYERS: Interesting. Okay, wonderful. So having been through that most recent experience, how would you sum up that day for you in terms of, you know, you've had a chance to reflect back. Was it a day well spent? Or did you have concerns about the use of your time?

MS. DUKES: Not at all. I think it was a day very well spent. I felt appreciated and honored, would have loved to have gotten on the panel, but it just wasn't meant to be. But no, it was a great experience.

CHIEF JUDGE MYERS: That's neat. Advice for future jurors, beyond the tweezers, anything else that –

MS. DUKES: Ladies, leave your makeup bag in the car. Advice for future jurors. You know, I would say go in with an expectation that it is going to be a pleasant experience. I mean, during the hour or so early in the day when we were all just sort of you know gathering in the jury assembly room, I had a chance to observe some people. And there were a few who seemed kind of irritated to be there, chomping at the bit to leave. And I understand that. We've all got crazy, busy lives, and you don't know what kind of obligations someone has in their life. So there's always going to be some people who don't want to be there. But maybe just, if you get a summons, choose to say, this could be a really interesting experience. And I can assure you that you will be treated well and taken care of. You have a comfortable place to – if you need to do

work, it's easy to do it in the jury assembly room. There's a great snack bar. So yeah, just have a good attitude going into it because then it's going to be more pleasant for you and for everyone else.

CHIEF JUDGE MYERS: Well, that's excellent. I will tell you that the observation of judges and of lawyers since we've been selecting juries during the pandemic, and we began that back in late October of last year, has been that the group of folks that are coming in have really been exceptional. Lots of folks who come committed to the process with an appreciation for the service that they're providing, a much more serious group it has seemed since the pandemic and we have been so grateful for those members of our community that are responsive to the summons that come and fulfill those responsibilities. And I know that the people who have trials are grateful because their cases can move. They can get to some finality in their cases and be able to make decisions and move on with life. So Amanda, I just want to say thank you so much for your willingness to come and serve as a juror for us in the Ninth, but also for your willingness to talk to us in this context and share your experience with the rest of the community.

MS. DUKES: Well, thank you so much. This really was an honor. I really enjoyed it.

CHIEF JUDGE MYERS: Well, we're grateful and hope to have the chance to talk to you again soon.

MS. DUKES: Okay, thank you so much.

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